

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6294

BILL NUMBER: SB 152

NOTE PREPARED: Nov 23, 2004

BILL AMENDED:

SUBJECT: Employment Absence for Volunteer Firefighters.

FIRST AUTHOR: Sen. Antich-Carr

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill prohibits an employer other than the state from disciplining an employee who is a volunteer firefighter for being absent from employment when the employee is responding to a fire or an emergency call. It allows a civil action against an employer who disciplines an employee for this reason. The bill specifies that the absence is not a violation of the ghost employment statute and that the supervisor of the employee who has authorized the absence has not committed ghost employment. It also authorizes an employer to request proof that the employee was engaged in fire or emergency activity when absent, and provides that the employer is not required to pay salary or wages for the time the employee was absent.

Effective Date: July 1, 2005.

Explanation of State Expenditures:

Explanation of State Revenues: *Court Fee Revenue:* According to current statute, an employee of a political subdivision employer, who volunteers as a firefighter and is disciplined for being absent from work because of responding to a fire or emergency, may bring a civil action against the employer. In the action, the employee may seek payment for back wages, reinstatement to a former position, fringe benefits, and seniority benefits wrongly denied the employee.

This bill expands the definition of an employer to include non-governmental entities such as: firms, associations, limited liability companies, etc. Expanding the definition of an employer increases the potential for civil actions to be filed.

If additional civil actions occur, revenue to the state General Fund may increase if court fees are collected. A civil filing fee of \$100 would be assessed when a civil case is filed. 70% of the filing fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.

State Agencies Affected:

Local Agencies Affected: Trial courts, city and town courts.

Information Sources:

Fiscal Analyst: Valerie Ruda, 317-232-9867.